

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT**

Docket Number (Optional)  
7431.0063

In re Application of: Matthew A. Katzer

Application No.: 10/705,416

Filed: November 10, 2003

For: MODEL TRAIN CONTROL SYSTEM

The owner\*, Matthew A. Katzer, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,494,408. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1.  For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2.  The undersigned is an attorney or agent of record.

June 22, 2004

Signature

Date

06/29/2004 EFLORES 00000072 10705416

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Kevin L. Russell, Reg. No. 38,292

Typed or printed name

(503) 227-5631

Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) included.

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\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
 Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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<b>FEE TRANSMITTAL For FY 2004</b>		<b>Complete if Known</b>	
		Application Number	10/705,416
		Filing Date	November 10, 2003
		First Named Inventor	Matthew A. Kater
		Examiner Name	Le, Mark T.
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Art Unit	3617
TOTAL AMOUNT OF PAYMENT (\$55.00)		Attorney Docket Number	7431.0063

<b>METHOD OF PAYMENT (check all that apply)</b>		<b>FEES CALCULATION (Continued)</b>	
<input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None		<b>3. ADDITIONAL FEES</b>	
<input type="checkbox"/> Deposit Account: Deposit Account Number: <b>03-1550</b> Deposit Account Name: Chernoff Vilhauer McClung & Stenzel		<b>Large Entity</b>	<b>Small Entity</b>
<b>The Director is authorized to:</b> (check all that apply) <input type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee(s) or any underpayment of fee(s) <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.			
<b>FEES CALCULATION</b>			
<b>1. BASIC FILING FEE</b>			
<b>Large Entity</b>		<b>Small Entity</b>	
<b>Fee</b>	<b>Fee</b>	<b>Fee</b>	<b>Fee</b>
<b>Code</b>	<b>(\$)</b>	<b>Code</b>	<b>(\$)</b>
1001	770	2001	385
1002	340	2002	170
1003	530	2003	265
1004	770	2004	385
1005	160	2005	80
<b>SUBTOTAL (1)</b>		<b>( \$ )</b>	
<b>2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE</b>			
Extra Fee from Claims Below		Fee Paid	
Total Claims	-20** =	X 18/9	=
Independent Claims	-3** =	X 86/93	=
Multiple Dependent		X 290/145	=
<b>Large Entity</b>		<b>Small Entity</b>	
<b>Fee</b>	<b>Fee</b>	<b>Fee</b>	<b>Fee</b>
<b>Code</b>	<b>(\$)</b>	<b>Code</b>	<b>(\$)</b>
<b>Fee Descriptions</b>			
1202	18	2202	9
1201	86	2201	43
1203	290	2203	145
1204	86	2204	43
1205	18	2205	9
<b>SUBTOTAL (2)</b>		<b>( \$ )</b>	
*Reduced by Basic Filing Fee Paid			
		<b>SUBTOTAL (3)</b> <b>( \$ )</b> <b>55.00</b>	
**or number previously paid, if greater; For Reissues, see above.			

<b>SUBMITTED BY</b>		(Complete (if applicable))		
Name (Print/Type)	Kevin L. Russell	Registration No. (Attorney/Agent)	38,292	Telephone (503) 227-5631
Signature			Date	June 2004

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